

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

WILLIE J. GRIFFIN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:23-cv-00637-MTS
	)	
COUCHE-TARD, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Plaintiff Willie J. Griffin filed a Petition in St. Louis County Circuit Court, the Twenty-First Judicial Circuit of Missouri, against three Defendants: “Couche-Tard Inc.,” “Circle K Gas Station and Car Wash 11011 Bellefontaine Rd. Bellefontaine Neighbors 63137,” and “Mac’s Convenience Stores LLC.” Doc. [11]. Neither “Couche-Tard Inc.” nor “Circle K Gas Station and Car Wash 11011 Bellefontaine Rd. Bellefontaine Neighbors 63137” appears to be an actual entity. The issue here is misnomer—“where the plaintiff has sued a corporation but misnamed it” and also, it seems, named “a building instead of its corporate owner.” *Roberts v. Michaels*, 219 F.3d 775, 778 (8th Cir. 2000). Defendants have “the right to be accurately named in the process and pleadings of the court.” *Id.* (quoting *United States v. A.H. Fischer Lumber Co.*, 162 F.2d 872, 873 (4th Cir. 1947)). Because Plaintiff now seems to know the identity of the defendants against whom he wishes to assert his claims, the Court will grant him fourteen days within which to file a First Amended Complaint. *See id.* at 778–79. If Plaintiff fails to timely do so, the Court will dismiss this action.<sup>1</sup>

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<sup>1</sup> Plaintiff also has failed to file his required Disclosure Statement. *See* Fed. R. Civ. P. 7.1(a)(2); *see also* E.D. Mo. L.R. 2.09. The Local Rule required Plaintiff to file his Disclosure Statement on June 09, 2023. E.D. Mo. L.R. 2.09(C)(1). Because Plaintiff already has received two Electronic Notices from the Court

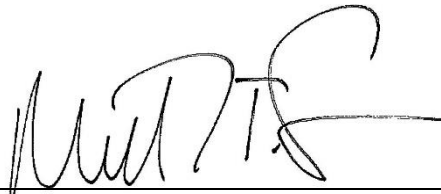
Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff shall file a First Amended Complaint, consistent with this Memorandum and Order, no later than **Friday, July 07, 2023**. The failure to timely do so will result in the **dismissal of this action**.

**IT IS FURTHER ORDERED** that Plaintiff shall file his required Disclosure Statement no later than **Friday, July 07, 2023**. The failure to timely do so will result in the **dismissal of this action**.

**IT IS FINALLY ORDERED** that, in light of the forthcoming First Amended Complaint, the pending Motions to Dismiss, Doc. [4] and Doc. [6], are **DENIED** without prejudice as moot.

Dated this 23rd day of June 2023.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', written over a horizontal line.

MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE

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regarding the requirement to file a Disclosure Statement, see Docs. [13] and [15], the Court will dismiss this action if Plaintiff fails to file his Disclosure Statement within fourteen days.